

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARK T. DUBLINO,

*Plaintiff,*

v.

**ATTORNEY**  
**DECLARATION**

SGT. JUSTIN BIEGAJ, SGT. ROBERT DEE,  
DEPUTY BRIAN THOMPSON,  
DEPUTY FRANK GELSTER,  
SGT. MR. CROSS, SGT. MR. ROBINSON,  
DEPUTY MR. P. GIARDINA, and  
DEPUTY SHAWN WILSON,

C.A. No. 19-cv-6269-DGL-MJP

*Defendants.*

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STATE OF NEW YORK     )  
COUNTY OF ERIE        ) ss  
CITY OF BUFFALO        )

Erin E. Molisani, being first duly sworn, deposes and says under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney at law admitted to practice before this Court and am an Assistant County Attorney to Michael A. Siragusa, Esq., Erie County Attorney and counsel for defendants herein. In this capacity, I am fully familiar with the facts and circumstances of this litigation.

2. I submit this Attorney Declaration and accompanying Reply Memorandum of Law in further reply to plaintiff's opposition (Dkt. No. 81) to defendants' pending motion for summary judgment (Dkt. No. 77).

3. Defendants respectfully request that the Court grant defendants' motion in its entirety for the reasons set out in the accompanying Reply Memorandum of Law.

Dated: Buffalo, New York  
December 20, 2021

**MICHAEL A. SIRAGUSA**  
*Erie County Attorney*

*s/ Erin E. Molisani*

Erin E. Molisani  
Assistant County Attorney  
95 Franklin Street, Room 1634  
Buffalo, New York 14202  
Telephone: (716) 858-2216  
Email: Erin.Molisani@erie.gov

Sworn before me this 20th  
day of December, 2021

*s/ Carol Gruber*

Notary Public, State of New York  
Reg. 01GR6036976  
Qualified in Erie County/Niagara County  
My commission expires  
February 14, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2021, I electronically filed the foregoing Attorney Declaration and Reply Memorandum of Law with the Clerk of the District Court for the Western District of New York, using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Steven V. Modica, Esq.  
**MODICA LAW FIRM**  
*Pro Bono attorney for plaintiff*  
2430 Ridgeway Avenue  
Rochester, New York 14626  
Telephone (585) 368-1111  
Email: [steve@modicalawfirm.com](mailto:steve@modicalawfirm.com)

Dated: Buffalo, New York  
December 20, 2021

**MICHAEL A. SIRAGUSA**  
*Erie County Attorney*

s/ Erin E. Molisani  
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Assistant County Attorney  
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